

## EXHIBIT A

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

CORY SPENCER, an individual; DIANA )  
MILENA REED, an individual; and )  
COASTAL PROTECTION RANGERS, INC., a )  
California non-profit public benefit )  
corporation, ) Case No.  
2:16-cv-02129-SJO-RAO  
Plaintiffs, )  
vs. )  
LUNADA BAY BOYS, et al., )  
Defendants. )

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Videotaped deposition of DIANA MILENA REED, taken  
before Jimmy Rodriguez, a Certified Shorthand Reporter for  
the State of California, with principal office in the  
County of Orange, commencing at 9:12 a.m., Monday,  
October 24, 2016 at the Premier Business Centers - Santa  
Monica, 401 Wilshire Boulevard, 12th Floor, Santa Monica,  
California.

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7  
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9 MARNIE LEVY, Videographer  
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11  
12  
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24  
25

1 Monday, October 24, 2016, 9:12 a.m.

2 Santa Monica, California

3 09:12

4 THE VIDEOGRAPHER: Good morning. We are 09:12

5 on the record at 9:12 a.m. on Monday, October 24, 09:12

6 2016. This is the video recorded deposition of 09:13

7 Ms. Diana Milena Reed. My name is Marnie Levy, 09:13

8 certified legal video specialist here with our court 09:13

9 reporter Jim Rodriguez. We are here from Veritext 09:13

10 Legal Solutions, and we are here representing the 09:13

11 defendants. 09:13

12 This deposition is being held at 401 09:13

13 Wilshire Boulevard, 12th floor, in Santa Monica, 09:13

14 California. The caption of this case is Cory 09:13

15 Spencer, et al., versus Lunada Bay Boys, case number 09:13

16 2:16-cv-02129-SJO-RAO. 09:13

17 Please note that audio and video recording 09:13

18 will take place unless all parties agree to go off 09:13

19 the record. I am not related to any party in this 09:13

20 action nor am I financially interested in the 09:13

21 outcome in any way. 09:14

22 If there are any objections to proceeding, 09:14

23 please state them at the time of your appearance 09:14

24 beginning with the noticing attorney. 09:14

25 Thank you, the witness will be sworn in 09:14

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1 and counsel may begin the examination. 09:14

2 09:14

3 DIANA MILENA REED,

4 produced as a witness and having been first duly

5 sworn by the Certified Shorthand Reporter, was

6 examined and testified as follows:

7

8 MS. HEWITT: Before we begin, may I have 09:14

9 all counsel state their appearances on the record 09:14

10 please, and I'll begin with myself. 09:14

11 Antoinette Hewitt from Kutak Rock for the 09:14

12 City of Palos Verdes Estates and Police 09:14

13 Chief Kepley. 09:14

14 MR. HAVEN: Good morning, Peter Haven for 09:14

15 defendant Michael Papayans. 09:14

16 MS. LUTZ: Good morning, Tera Lutz for 09:14

17 Defendant Sang Lee. 09:14

18 MR. CAREY: Good morning, Pat Carey for 09:14

19 defendant Alan Johnston. 09:14

20 MR. DIEFFENBACH: Richard Dieffenbach for 09:14

21 Brant Blakeman, defendant. 09:14

22 MR. CROWLEY: Daniel Crowley for Sang Lee. 09:14

23 MR. FRANKLIN: Kurt Franklin on behalf of 09:14

24 Ms. Diana Milena Reed and the other plaintiffs in 09:14

25 this matter and the putative class. 09:15

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1 the complaint. 11:47

2 MR. FRANKLIN: Vague and ambiguous. 11:47

3 THE WITNESS: In the complaint I say that 11:47

4 I'm an aspiring big wave surfer. 11:47

5 BY MS. HEWITT: 11:47

6 Q Right. 11:47

7 A What that means to me is it's something 11:47

8 that I would like to do. 11:47

9 Q Had you ever been big wave surfing before 11:47

10 January 29, 2016? 11:47

11 A I'm an aspiring big wave surfer and I 11:47

12 don't consider myself a big wave surfer. I consider 11:47

13 it a goal. 11:47

14 Q Does that mean, no, you've never been big 11:47

15 wave surfing before January 29, 2016? 11:47

16 MR. FRANKLIN: Vague and ambiguous. 11:47

17 THE WITNESS: It just depends what you 11:47

18 mean by big wave surfing. It's hard for me to 11:47

19 answer your question because I don't know what 11:47

20 you're asking me exactly. 11:47

21 BY MS. HEWITT: 11:47

22 Q Okay. It says in your complaint that you 11:47

23 are an aspiring big wave surfer on January 29, 2016. 11:47

24 I'm an aspiring marathon runner, I haven't 11:47

25 quite gotten there, but I've done a half. 11:47

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1 Had you ever done anything you would 11:47  
2 consider to be big wave surfing before January 29th, 11:47  
3 2016? Had you even attempted it once in your mind 11:47  
4 whatever is big wave surfing? 11:48

5 A I've surfed waves that were challenging to 11:48  
6 me and, you know, were way over my head, and I've 11:48  
7 been in conditions that definitely challenged me 11:48  
8 both mentally and physically, but I'm not a big wave 11:48  
9 surfer and that's something that I would -- I would 11:48  
10 love to do down the line. 11:48

11 Q So have you ever surfed a big wave up to 11:48  
12 this point right now? 11:48

13 MR. FRANKLIN: Vague and ambiguous. 11:48

14 THE WITNESS: It just depends what you 11:48  
15 mean by a big wave. A wave that's big to me right 11:48  
16 now might be really small to Laird Hamilton. 11:48  
17 There's all kinds of waves. There's waves that are 11:48  
18 80 feet, there's waves that are eight feet. Someone 11:48  
19 might think that an eight-foot wave is big and 11:48  
20 someone else might think it's small, so it's very 11:48  
21 hard for me to answer that question. 11:48

22 BY MS. HEWITT: 11:48

23 Q Are you still an aspiring big wave surfer? 11:48

24 A Yes, I am. 11:48

25 Q All right. And the next part of that 11:49

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1 sentence it says you wanted to paddle out to 11:49  
2 experience the large waves found off Lunada Bay. 11:49  
3 In this sentence in your complaint here, 11:49  
4 did you mean that you wanted to go out and try to 11:49  
5 surf or you just wanted to paddle off to -- paddle 11:49  
6 out to see what the waves looked like? 11:49  
7 MR. FRANKLIN: Vague and ambiguous. 11:49  
8 THE WITNESS: I wanted to paddle out to 11:49  
9 surf. 11:49  
10 BY MS. HEWITT: 11:49  
11 Q Did you intend to surf? 11:49  
12 A I did intend to surf, yes. 11:49  
13 Q Did you feel prepared that day to catch a 11:49  
14 big wave, whatever you thought was a big wave that 11:49  
15 day? 11:49  
16 A I felt prepared that day to attempt to 11:49  
17 catch some of the waves on the inside for the 11:49  
18 conditions that were out that day. 11:49  
19 Q How did you decide to go to Lunada Bay 11:49  
20 that day? 11:49  
21 A I don't remember specifically how I 11:49  
22 decided to go to Lunada Bay that day. I would 11:50  
23 assume that the swell -- there was a good swell and 11:50  
24 it wasn't, you know, too big, you know, and it was a 11:50  
25 size that was something that I could try and 11:50

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1 attempt. 11:50

2 Q I think earlier we decided that we weren't 11:50

3 sure whether or not you'd been to Lunada Bay before 11:50

4 that day. 11:50

5 A I didn't say that. 11:50

6 Q My fault. 11:50

7 Had you been to Lunada Bay before 11:50

8 January 29, 2016? 11:50

9 A I had been to the top of the bluff. 11:50

10 Q Top of the bluff, okay. 11:50

11 Do you remember -- is it like towards the 11:50

12 beginning of January, middle of January? 11:50

13 A It was towards the beginning of January. 11:50

14 I think that it was around the 6th of January 11:50

15 approximately. 11:50

16 Q And before that time on approximately the 11:50

17 6th of January, had you ever been to the top of the 11:50

18 bluff at Lunada Bay before? 11:50

19 A I don't think so. I may have at one point 11:51

20 driven up the coast looking at the coast, but I 11:51

21 don't know if I stopped at Lunada Bay or not. And 11:51

22 that wasn't for surfing. It was for scenic reasons. 11:51

23 Q Okay. Just to be clear so I don't get it 11:51

24 wrong again: Before January 6, 2016, had you ever 11:51

25 been down to the beach at Lunada Bay? 11:51

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1           A       I didn't go down to the beach on           11:51  
2           January 6th.           11:51  
3           Q       I understand that, I'm just making sure           11:51  
4           before that date you had never gone to the beach           11:51  
5           there?           11:51  
6           A       No.           11:51  
7           Q       And had you ever stopped at Lunada Bay at           11:51  
8           all before January 6, 2016?           11:51  
9           MR. FRANKLIN: Asked and answered.           11:52  
10          THE WITNESS: Yeah, I may have when I was           11:52  
11          looking at the coast, I don't know.           11:52  
12          BY MS. HEWITT:           11:52  
13          Q       Okay. So in January 6, 2016, where did           11:52  
14          you stop on the bluff?           11:52  
15          A       I went there to watch my friend surf.           11:52  
16          Q       Who was that?           11:52  
17          A       It was a big day. Much too big for me.           11:52  
18                  So I just went there to watch.           11:52  
19          Q       Who was your friend?           11:52  
20          A       Well, my friend Jordan Wright, boyfriend,           11:52  
21          and his friends.           11:52  
22          Q       Who was his friends that you went to           11:52  
23          watch?           11:52  
24          A       One of them was my friend Preston, I don't           11:52  
25          remember his last name. A friend of Jordan's called           11:52

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1 if I had hesitance or not. I wasn't surfing so 11:55  
2 there wasn't as much pressure on me. 11:55  
3 BY MS. HEWITT: 11:55  
4 Q Before you went to Lunada Bay on 11:55  
5 January 6th, had you heard about Lunada Bay? 11:55  
6 A I have heard about Lunada Bay from the 11:56  
7 surf community, yes. 11:56  
8 Q What had you heard? 11:56  
9 A I heard that it's the best and one of the 11:56  
10 only true deep water big wave spots in 11:56  
11 Southern California. 11:56  
12 Q And when you were there on January 6th, 11:56  
13 how long were you there? 11:56  
14 A It's hard for me to know approximately how 11:56  
15 long we were there. But I think from the time that 11:56  
16 we pulled up to the time that we left, I mean, it 11:56  
17 was a span of at least two hours I would think. 11:56  
18 Q Okay. Is there anything specifically you 11:56  
19 recall about that visit to Lunada Bay? 11:56  
20 A Yeah, what specifically would you like to 11:56  
21 know? 11:56  
22 Q Did you come into contact with anybody who 11:56  
23 harassed you that day or intimidated you? 11:56  
24 A It was raining that day and very muddy and 11:56  
25 there wasn't anyone out that day. 11:57

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1 Q So you didn't come in contact with anybody 11:57  
2 who harassed or intimidated you that day; is that 11:57  
3 correct? 11:57

4 A No, because there was no individuals out 11:57  
5 that I can remember. 11:57

6 Q So yes, that's correct? 11:57

7 MR. FRANKLIN: Asked and answered. 11:57

8 THE WITNESS: It's correct that me -- that 11:57  
9 I was one of the only people out there along with my 11:57  
10 friend who was photographing, and there weren't 11:57  
11 people there to talk to us so we were not harassed 11:57  
12 since we were the only people there that I could 11:57  
13 see. 11:57

14 BY MS. HEWITT: 11:57

15 Q Okay. And same question for intimidation? 11:57

16 A Yes. 11:57

17 Q And did you experience any vandalism that 11:57  
18 day? 11:57

19 A No, we did not. 11:57

20 Q All right. Now, during that visit did you 11:57  
21 talk with anybody who was present about any negative 11:57  
22 experience at Lunada Bay? 11:57

23 MR. FRANKLIN: Vague and ambiguous. 11:57

24 THE WITNESS: I don't remember if I 11:57  
25 specifically discussed that. 11:58

1 there together. 12:10

2 Q And after you heard maybe Cory's 12:10

3 conversation with somebody else, did it cause you 12:10

4 any concern? 12:10

5           A         I'm sure it did.    12:10

6 Q As you sit here today, do you remember any 12:10

7 particular concern it caused you? 12:10

8 A I don't remember specifically, no. 12:10

9 Q All right. Once you went to look at the 12:11

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10      conditions --                                12:11
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11 A Sorry if I'm a little bit distracted. My 12:11

12 baby is kicking like crazy now. 12:11

13	Q	Sure.	12:11
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14 When you went to go look at the 12:11

15 conditions, did you speak to anybody, anybody talk 12:11

16 to you? 12:11

17 A Yeah, I mean, like I said, I had some 12:11

18            conversations with some people on the bluff, but I            12:11

19 kind of, I guess, get in the zone when I'm watching 12:11

20 the surf, and I was just trying to really watch and 12:11

21 | gain an understanding of the conditions that day. 12:11

22 And I did have conversations with people, 12:11

23 it's just it's hard for me to remember at the moment 12:11

24 specifically what was said. 12:11

25	Q	So at some point did you experience any	12:11
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1 harassment or intimidation when you were there on 12:11  
2 January 29th? 12:11  
3 A Yes. 12:11  
4 Q What was that? 12:11  
5 A From what I recall when, you know, from 12:11  
6 the moment that we arrived we were experiencing 12:12  
7 harassment. 12:12  
8 Q Okay. Can you describe what the 12:12  
9 harassment was? 12:12  
10 A I remember that people were circling 12:12  
11 around the car when we parked and, you know, some 12:12  
12 people yelled at us and said that we're kooks. And 12:12  
13 there were other people, other bay boys on the bluff 12:12  
14 that were looking at us and there were people 12:12  
15 recording us. 12:12  
16 So the situation there seemed very tense. 12:12  
17 Q Let's start with the people circling your 12:12  
18 car, how many people circled your car? 12:12  
19 A I don't remember how many people, but I 12:12  
20 remember, you know -- I remember a car driving by, I 12:12  
21 remember a car driving by and having people yell at 12:12  
22 us also. 12:12  
23 Q Okay. How many cars drove by and yelled 12:12  
24 things at you? 12:13  
25 A I remember one car that yelled things at 12:13

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1	us.	12:13
2	Q Going back to the circling, is it people	12:13
3	or cars that circled your car?	12:13
4	A I know it was cars. Whether or not people	12:13
5	did that, there may have been people on bikes that	12:13
6	did that, I don't remember at the moment.	12:13
7	Q What were people shouting at you?	12:13
8	A They shouted that we were kooks.	12:13
9	Q What else?	12:13
10	A I remember at some point people telling us	12:13
11	that we can't surf there.	12:13
12	Q Is this all at the same time these things	12:13
13	are being shouted at you?	12:13
14	A I don't remember if it was at the same	12:13
15	time or not.	12:13
16	Q Where were you specifically at this	12:13
17	particular time when these things were being shouted	12:13
18	at you?	12:13
19	A Well, I specifically remember when they	12:13
20	shouted that they were kooks, I remember that we	12:14
21	were either just getting out of the car or just	12:14
22	pulling up, I don't remember specifically, but...	12:14
23	Q Did you say anything back to them?	12:14
24	A No, I didn't.	12:14
25	Q How about Jordan?	12:14

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1 But going back to Santa Cruz -- yeah, I 12:36  
2 don't know, I surfed at a lot of secret spots in 12:36  
3 Santa Cruz with my coach that I don't even remember 12:36  
4 the names of. Where else did I surf? I don't know, 12:36  
5 I've surfed at a lot of spots. 12:36

6 BY MS. HEWITT: 12:36

7 Q It sounds like it. 12:36

8 A Morro Bay. Morro Bay is interesting. And 12:36  
9 I've surfed -- there's a spot north of Morro Bay, 12:36  
10 it's a beach break, I don't remember the name of it, 12:36  
11 but I've surfed there, too. 12:36

12 Q Going back to the complaint here. Where 12:36  
13 it says here, "Reed and Wright encountered members 12:36  
14 of the Lunada Bay Boys," who were the Lunada Bay 12:36  
15 Boys as you reference here in the complaint? 12:36

16 A I don't know the specific names of the 12:36  
17 individuals. 12:37

18 Q Are you able to describe who it was that 12:37  
19 screamed profanities at you on January 29, 2016? 12:37

20 A I'm not able to describe the specific 12:37  
21 person that screamed profanities because I didn't 12:37  
22 get to see their face for long enough, and at the 12:37  
23 moment I don't remember, my memory is not very good. 12:37

24 Q Did anybody else scream profanities at you 12:37  
25 other than the people in the car? 12:37

1	A	At what point?	12:37
2	Q	At any point on January 29, 2016.	12:37
3	A	The entire day?	12:37
4	Q	Yes.	12:37
5	A	Yes, there were several instances.	12:37
6	Q	Okay. So we went through the ones in the	12:37
7		car.	12:37
8		Let's go through the other times that	12:37
9		people screamed profanities at you on January 29,	12:37
0		2016, what was the next instance of those?	12:37
1	A	I believe there was an instance of people	12:37
2		telling us that we can't surf there while we were on	12:37
3		the bluff. There was the constant harassment of	12:37
4		video cameras everywhere, recording everything.	12:38
5		What else is the question asking? I'm	12:38
6		sorry.	12:38
7	Q	I wanted to go through the different	12:38
8		instances that day when people specifically screamed	12:38
9		profanities at you. For instance, in the complaint	12:38
0		a man called you a whore. When did that occur on	12:38
1		January 29th?	12:38
2	A	Right, that's the words that I heard him	12:38
3		scream. That was once we were at the bottom of the	12:38
4		hill when we were on the rocky beach walking to the	12:38
5		spot where we would paddle out.	12:38

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1	A	I just don't remember.	12:42
2	Q	Had you contacted any media prior to your	12:42
3		visit on January 29th?	12:42
4	A	I had not contacted any media.	12:42
5	Q	After the man came back, then what	12:42
6		happened?	12:42
7	A	I just remember him, you know, yelling at	12:42
8		us more, screaming profanities. And at one point I	12:42
9		think -- he went away and I told Jordan that I	12:43
0		wanted to talk to the police. The police were	12:43
1		standing in the fort and witnessed the incident.	12:43
2		And then they ended up walking over because they saw	12:43
3		what happened, so I didn't have to go to them.	12:43
4	Q	Okay. So the police came to you; right?	12:43
5	A	Yes.	12:43
6	Q	Then what happened when the police came?	12:43
7	A	The police asked us what was going on and	12:43
8		we described what had happened. And they -- I think	12:43
9		that they asked us if we wanted to file a report.	12:43
0		And I know that I wanted to file one, and so we	12:43
1		proceeded to go up the hill to file a report.	12:43
2	Q	So did you, in fact, file a report with	12:44
3		the police?	12:44
4	A	We did file a report with the police, yes.	12:44
5	Q	All right. Do you remember -- withdraw.	12:44

1 Are you able to describe the man who was 12:44  
2 yelling at you? 12:44  
3 A Yes. 12:44  
4 Q Can you please describe him? 12:44  
5 A I remember he was pretty short in height, 12:44  
6 middle-aged, brown hair, I believe. 12:44  
7 Q Anything else that you can remember in 12:44  
8 describing him? 12:44  
9 A That's all I can remember in describing 12:44  
10 him. 12:44  
11 Q When you went up the hill and -- were you 12:44  
12 walking up with Jordan and the police? 12:44  
13 A I think so. 12:44  
14 Q And when you got to the top of the hill, 12:44  
15 what did you do? 12:44  
16 A I remember at one point there was more 12:44  
17 police that came, and so I don't remember who filed 12:44  
18 the report specifically. I don't remember if it was 12:45  
19 the police that witnessed the incident or if it was 12:45  
20 the police that came. But I remember that they -- 12:45  
21 they detained the suspect and they -- but they -- 12:45  
22 even though that they witnessed the incident they 12:45  
23 did not want to arrest him because they were saying 12:45  
24 they didn't hear what he said specifically even 12:45  
25 though they heard him yelling. 12:45

1 And they told me that I could file a 12:45  
2 citizen's arrest but that if I do file a citizen's 12:45  
3 arrest I'm at risk of getting sued because people at 12:45  
4 Lunada Bay have a lot of money and can hire good 12:45  
5 lawyers and that will put me at risk of getting into 12:45  
6 a lawsuit, and so it's not a good idea to file a 12:45  
7 citizen's arrest because it will, you know, because 12:45  
8 I don't need to be in a lawsuit and it's not a good 12:45  
9 idea. 12:46

10 So, they dissuaded me from filing a 12:46  
11 citizen's arrest. 12:46

12 Q Okay. And then you filed -- so then 12:46  
13 you -- 12:46

14 A So they told me to go ahead and write a 12:46  
15 report instead because it would be the same outcome 12:46  
16 and that way I don't have the liability of filing a 12:46  
17 citizen's arrest. 12:46

18 Q When you came up -- rather, when the 12:46  
19 officers came from the fort, how many were there? 12:46

20 A I don't know how many there were. I 12:46  
21 remember -- I definitely remember there was one 12:46  
22 person, I don't know if there was one or two. 12:46

23 Q Officers, you don't remember how many came 12:46  
24 to you and walked up the bluff with you? 12:46

25 A No. 12:46

1 Oh, that's not important, we don't want to write 12:47  
2 that down; anything like that? 12:47  
3 A I don't remember if that happened. 12:47  
4 Q Did you -- how long did you talk to the 12:47  
5 police that day? 12:47  
6 A It's hard for me to say how long I spoke 12:47  
7 to them for. I can guess maybe 30 minutes, I don't 12:48  
8 know. 12:48  
9 Q What profanities did you tell the police 12:48  
10 were screamed at you? 12:48  
11 A I remember something that sounded like 12:48  
12 "whore," so I did tell them that. At this time, I 12:48  
13 don't remember specifically what profanities were 12:48  
14 screamed at. Like I said, my memory is not good and 12:48  
15 I try to limit profanities in my life. But I do 12:48  
16 remember, you know, being -- being very frightened 12:48  
17 because I hadn't been yelled at in that manner 12:48  
18 before by anyone. 12:48  
19 Q Did the police ask you when you were down 12:49  
20 on the beach, did they ask you where you were from? 12:49  
21 A I don't know if they asked me that or not. 12:49  
22 Q Do you remember them asking you where you 12:49  
23 were from at any time? 12:49  
24 A From what I remember when they filed the 12:49  
25 report, they write down your address from your 12:49

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1 driver's license. Whether they asked me that or 12:49  
2 wrote it down from my driver's license, I don't 12:49  
3 remember. 12:49

4 Q All right. Did they take your driver's 12:49  
5 license at the point in time when they were starting 12:49  
6 to write their report or sometime before that? 12:49

7 A I think they took it from me when they 12:49  
8 were writing the report. 12:49

9 Q Had they given -- excuse me. 12:49  
10 Had they taken your driver's license at 12:49  
11 the time you were talking about a citizen's arrest? 12:49

12 A I don't know. 12:49

13 Q Did any of your other friends tell you 12:49  
14 that they saw the incident with the man screaming at 12:50  
15 you and Jordan? 12:50

16 A Not that I recall. I don't think so. 12:50

17 Q All right. Did David eventually paddle 12:50  
18 in? 12:50

19 A I would assume that he did, yeah, I don't 12:50  
20 know what he ended up doing. 12:50

21 Q Did you tell David what happened? 12:50

22 A I think I did. 12:50

23 Q What did he say? 12:50

24 A You know, I don't remember the 12:50  
25 conversation with David, so, I would assume I told 12:50

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1 a lawsuit; is that what they told you? 12:51

2 A They told me that it puts liability on me. 12:51

3 Q No matter what happens, that definitely 12:51

4 puts liability on you, is that what they told you? 12:51

5 MR. FRANKLIN: Calls for legal conclusion. 12:51

6 THE WITNESS: From my understanding, what 12:51

7 they told me is that it would put me at a liability 12:51

8 for a lawsuit if it was found to be, you know -- if 12:52

9 it was found to be incorrect -- it puts me at 12:52

10 liability, but if I don't file it as a citizen's 12:52

11 arrest, then I'm not a liability. 12:52

12 BY MS. HEWITT: 12:52

13 Q Okay. So did you understand that you 12:52

14 could file a citizen's arrest; the outcome could be 12:52

15 that if it was found to not be justified that you 12:52

16 could incur liability at a later date? 12:52

17 MR. FRANKLIN: Objection, calls for legal 12:52

18 conclusion -- 12:52

19 THE WITNESS: Um -- 12:52

20 MR. FRANKLIN: Objection, calls for legal 12:52

21 conclusion, it's also an incomplete hypothetical. 12:52

22 THE WITNESS: Yeah, I don't really know. 12:52

23 I mean, I don't understand. I'm not a lawyer so 12:52

24 it's hard for me to answer that question. I just 12:52

25 know that they dissuaded me from filing a citizen's 12:52

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1 Q Okay. So in June, would you have been 12:57  
2 about four and a half months pregnant or so? 12:57  
3 A I don't know. I would have to calculate 12:57  
4 it, I don't remember. 12:57  
5 Q Do you remember being pregnant when you 12:57  
6 were surfing in June, though? 12:57  
7 A Yes, hmm-mm. 12:57  
8 Q When was the last time you've been 12:57  
9 surfing? 12:57  
10 A That was about the last time. 12:57  
11 Q All right. So, going back to February 5, 12:57  
12 2016, I believe you told me that you went to 12:58  
13 Lunada Bay to take photos of Jordan; is that 12:58  
14 correct? 12:58  
15 A Yes. 12:58  
16 Q What made Jordan decide to go that day, to 12:58  
17 go surf? 12:58  
18 A You know, I don't remember what his reason 12:58  
19 was to go that day. I just remember accompanying 12:58  
20 him to take photos. 12:58  
21 Q Did you talk to anybody at the L.A. Times 12:58  
22 before February 5, 2016? 12:58  
23 A I don't think so, no. 12:58  
24 Q Do you have any idea as you sit here today 12:58  
25 how the writer and photographer from the 12:58

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1 at home from anybody at the L.A. Times? 13:07

2 A I have an e-mail with the photos from the 13:07

3 photographer. 13:07

4 Q And does that e-mail have any text in it? 13:07

5 A I would assume it has some text in it. 13:07

6 Q Have you given it to your attorneys? 13:07

7 A I don't know. I think so. 13:07

8 Q Do you have any e-mails at home from any 13:07

9 other media organizations either online or print or 13:07

10 anything like that? 13:07

11 A I've been in several articles and don't 13:07

12 several interviews, so a bunch of media have reached 13:08

13 out to me, so I have e-mails. And then I also have, 13:08

14 you know, my attorneys also arranged some of it. 13:08

15 Q Have you ever been -- withdraw. 13:08

16 Okay. With regard to the February 5th 13:08

17 visit, did you contact the City of Palos Verdes 13:08

18 Estates or the police department to tell them that 13:08

19 you were going to visit that day? 13:08

20 A I think that Jordan may have done that. 13:08

21 Q And do you know if Jordan asked for extra 13:08

22 patrols that day? 13:08

23 A I don't know if he asked for it that day. 13:08

24 Q Do you recall seeing Palos Verdes Estates 13:08

25 police there that day? 13:08

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1	A	I don't remember if I saw them there that	13:08
2		day or not.	13:09
3	Q	And at that point in time, you'd broken	13:09
4		your arm so you could not surf; is that correct?	13:09
5	A	That's correct. I had just broken it, I'm	13:09
6		sure it was still pretty painful so it wasn't	13:09
7		possible that time.	13:09
8	Q	Did Jordan surf without incident as far as	13:09
9		you know?	13:09
10	A	Jordan did surf without incident because	13:09
11		he was the only person out there surfing.	13:09
12	Q	And is it correct that neither you or	13:09
13		Jordan were intimidated that day?	13:09
14		MR. FRANKLIN: Vague and ambiguous.	13:09
15		THE WITNESS: I don't know. I don't	13:09
16		remember if we encountered anyone on top of the	13:09
17		bluff or not. I just remember that there was no one	13:09
18		in the water.	13:09
19		BY MS. HEWITT:	13:09
20	Q	Do you have a recollection of encountering	13:09
21		anybody on the bluff that intimidated you?	13:09
22	A	At this time, I just -- I don't remember	13:09
23		what we did on top of the bluff, and if there was	13:09
24		anyone there or not.	13:09
25	Q	Okay.	13:09

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1           A       So I can't say one way or the other.           13:10

2           Q       I'm not asking you to say one way or the       13:10

3               other. I'm asking you to state if right now you       13:10

4               have a memory of being intimidated by someone on top   13:10

5               of the bluff.   13:10

6               MR. FRANKLIN: Vague and ambiguous.           13:10

7               THE WITNESS: I would have to think about       13:10

8               it more, I just don't know.                       13:10

9           BY MS. HEWITT:                                       13:10

10          Q       Do you remember that right now?           13:10

11          MR. FRANKLIN: Vague and ambiguous.           13:10

12          THE WITNESS: Right now, I don't remember       13:10

13               what happened on top of the bluff much, so it would   13:10

14               be hard for me to make that -- sorry.           13:10

15          BY MS. HEWITT:                                       13:10

16          Q       Do you recall any vandalism that day?       13:10

17          A       I don't recall vandalism on February 5th.   13:10

18          Q       Did the police escort you down the bluff     13:10

19               that day?   13:10

20          A       I don't know.                               13:10

21          Q       You don't remember?                       13:10

22          A       I don't remember.                           13:10

23          Q       Okay. Going to February 13th, as           13:10

24               described in your complaint, why did you decide to   13:11

25               go to Lunada Bay on February 13th?           13:11

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1           A       You know, I don't remember the specific       13:11  
2       reasons, but I think that Jordan wanted to go surf       13:11  
3       that day and I couldn't surf; so like I said, if I'm       13:11  
4       not surfing I like to take photos so it was my       13:11  
5       reason for going.       13:11

6           Q       Has Jordan as far as you know ever wanted       13:11  
7       to go surf at Lunada Bay and has decided not to       13:11  
8       because of any localism there?       13:11

9           MR. FRANKLIN: Vague and ambiguous, calls       13:11  
10       for speculation.       13:11

11           THE WITNESS: Well, I was with him on       13:11  
12       January 29, 2016, when we decided not to surf.       13:11

13       BY MS. HEWITT:       13:11

14           Q       Prior to going on a particular day did you       13:11  
15       decide to stay home because of any localism issues?       13:11

16           MR. FRANKLIN: Vague and ambiguous.       13:11

17           THE WITNESS: Well, I mean if there wasn't       13:11  
18       localism there I would have been surfing there all       13:11  
19       winter as often as I surf in Malibu and Ventura and       13:12  
20       other places, so yeah, I would be there as often as       13:12  
21       it was good.       13:12

22       BY MS. HEWITT:       13:12

23           Q       Jordan specifically -- sorry, that was my       13:12  
24       fault for a vague question.       13:12

25                   Do you have any recollection of instances       13:12

1 parking the car. 13:38

2 BY MS. HEWITT: 13:38

3 Q Okay. Fair enough. Do you remember 13:38

4 anybody yelling any profanities at you that day? 13:38

5 MR. FRANKLIN: Vague and ambiguous. 13:38

6 THE WITNESS: During what part of the day? 13:38

7 BY MS. HEWITT: 13:38

8 Q Any part of the day that you were there. 13:38

9 A Yes. 13:38

10 Q Okay. Tell me what you recall being 13:38

11 yelled at you as far as profanities? 13:38

12 MR. FRANKLIN: Vague and ambiguous. 13:38

13 THE WITNESS: You know, I don't remember 13:38

14 the specific insults, the specific words of the 13:38

15 insults that were yelled. I mean, I just -- I 13:38

16 remember various profanities of various instances. 13:39

17 I remember when we were preparing to walk down the 13:39

18 trail, there was a man, middle-aged blond haired 13:39

19 man, and a teenage boy that were filming us and they 13:39

20 were attempting to block the pathway, and they were 13:39

21 telling us that we were done, whatever that means. 13:39

22 I do remember some people yelling at us 13:39

23 when we were on the bluff, and I don't remember much 13:39

24 of the detail at this time. 13:39

25 I remember once we were at the bottom of 13:39

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1 the hill on the beach, I remember, you know, people 13:39  
2 yelling at us, yeah, everyone seemed pretty hostile. 13:40  
3 BY MS. HEWITT: 13:40  
4 Q When you say down to the beach, you mean 13:40  
5 after you came down the bluff; right? 13:40  
6 A Yes, after we came down the trail. 13:40  
7 Q Down the trail, okay. 13:40  
8 Did you see any police there at all 13:40  
9 anytime during the day? 13:40  
10 MR. FRANKLIN: Vague and ambiguous. 13:40  
11 THE WITNESS: Yeah, I don't remember what 13:40  
12 the situation was with the police when we arrived. 13:40  
13 BY MS. HEWITT: 13:40  
14 Q Okay. Were you aware that Cory Spencer 13:40  
15 had asked for additional patrols to be provided by 13:40  
16 the PVE P.D. for that day? 13:40  
17 MR. FRANKLIN: Vague and ambiguous, lacks 13:40  
18 foundation. 13:40  
19 THE WITNESS: I don't know, I don't 13:40  
20 remember at the time if I was aware of that or not. 13:40  
21 BY MS. HEWITT: 13:40  
22 Q Were you aware that he had asked for extra 13:40  
23 patrols be provided before the January 29th visit? 13:41  
24 MR. FRANKLIN: Vague and ambiguous, lacks 13:41  
25 foundation. 13:41

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1 MR. FRANKLIN: Vague and ambiguous. 13:42

2 THE WITNESS: Specifically, what would you 13:42

3 like to know? 13:42

4 BY MS. HEWITT: 13:42

5 Q Specifically, my question is about: Do 13:42

6 you remember being approached by individual 13:42

7 defendants with a case of beer? 13:42

8 A Yes. 13:42

9 Q What do you remember about being 13:42

10 approached by individual defendants with a case of 13:42

11 beer? 13:42

12 A I remember that they approached me very 13:42

13 rapidly and I was caught by surprise. I remember 13:42

14 that they rushed towards me in a hostile manner. I 13:42

15 remember, you know, declining that I wanted to drink 13:43

16 beer. I remember being videotaped by 13:43

17 Brant Blakeman. I remember there were times when I 13:43

18 was being videotaped very close to my face and it 13:43

19 felt very intimidating and definitely felt like I 13:43

20 was being harassed. And I think that I asked them, 13:43

21 you know, why they're videotaping me because it made 13:43

22 me very uncomfortable. 13:43

23 I remember Mr. Johnston opening the can of 13:43

24 beer in a way that sprayed my arm and my camera. I 13:43

25 remember him chucking beer and throwing beer cans on 13:44

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1 the floor. I remember him being very loud and very 13:44  
2 scary, very intimidating, and acting in a sexual 13:44  
3 manner. 13:44

4 Q Where did this take place? 13:44

5 A These events took place in the fort. 13:44

6 Q Okay. When -- why did you go to the fort 13:44  
7 initially? 13:44

8 A I initially went to the fort to take 13:44  
9 photographs of Jordan, as he was surfing. 13:44

10 Q Okay. When you went to the fort, were 13:44  
11 there already people in the fort? 13:44

12 A I don't remember if there was already 13:44  
13 someone in the fort or not when I first went into 13:44  
14 the fort. 13:44

15 Q Do you have any recollection of there 13:44  
16 being anybody in the -- in the fort area when you 13:45  
17 went to the fort? 13:45

18 MR. FRANKLIN: Vague, ambiguous. 13:45

19 THE WITNESS: I don't remember if there 13:45  
20 was someone as I was walking into the fort. I do 13:45  
21 remember having conversations with a certain man in 13:45  
22 the fort prior to these two individuals, but whether 13:45  
23 he was there as I was walking up the steps I don't 13:45  
24 remember that detail. 13:45

25 ///

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1 BY MS. HEWITT: 13:45

2 Q Okay. And the man who you said you had a 13:45

3 conversation with, can you describe that man? 13:45

4 A It's hard for me to remember the details 13:45

5 specifically, but I remember that he was a man, 13:45

6 middle-aged man, from what I recall, dark hair, he 13:45

7 did not appear to be intoxicated. Just, you know, 13:45

8 ordinary-looking middle-aged man, nothing unusual 13:46

9 about him. 13:46

10 Q Okay. And what was the conversation you 13:46

11 had with him? 13:46

12 A He started asking me a lot of questions 13:46

13 and it was a little bit uncomfortable because I felt 13:46

14 as though I was being interrogated and I didn't 13:46

15 quite understand why because I was just there to 13:46

16 enjoy the beach and take photos. 13:46

17 Q About how long did that conversation last? 13:46

18 A It's hard for me to say how long it 13:46

19 lasted. I would say it lasted maybe ten minutes, 13:46

20 probably not more than 30. I don't remember 13:46

21 specifically how long it took. 13:46

22 Q What was Jordan doing at this time? 13:46

23 A I think Jordan was already surfing. I'm 13:47

24 not sure if he was already surfing, but I know that 13:47

25 he was paddling out and he might have been sitting 13:47

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1 and waiting for waves, I don't remember. 13:47

2 Q Were you alone? 13:47

3 A From what I remember, I think so. I think 13:47

4 that -- I think that I would be the only person 13:47

5 there with him, I'm not -- I'm not sure. 13:47

6 Q Was anybody else surfing at the time? 13:47

7 A I don't know, I don't remember that. I 13:47

8 know that, you know, there were people changing as I 13:47

9 was walking there, but who was in the water I don't 13:47

10 remember at this time. 13:47

11 Q With regard to the man -- sorry, the 13:47

12 individual defendants who approached you with a case 13:47

13 of beer, do you know who those individual defendants 13:47

14 were? 13:47

15 A I know who they are now. 13:47

16 Q Okay. Who are they? 13:47

17 A Brant Blakeman and Jalian Johnston. 13:47

18 Q Did they discuss the L.A. Times article at 13:48

19 all with you? 13:48

20 A They made statements related to the 13:48

21 L.A. Times article, yes. 13:48

22 MR. CAREY: Objection, vague as to "they." 13:48

23 BY MS. HEWITT: 13:48

24 Q Do you remember who it was that made 13:48

25 statements to you about the L.A. Times article? 13:48

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1 THE WITNESS: I'm having trouble 13:49  
2 understanding to when you're asking me specifically. 13:49  
3 BY MS. HEWITT: 13:49  
4 Q How long were you in the fort after you 13:49  
5 were approached with the case of beer? 13:49  
6 A I don't remember. It's hard for me to 13:49  
7 pinpoint exact amount of time. 13:50  
8 Q Do you recall trying to leave the fort and 13:50  
9 being unable to do so because you were blocked? 13:50  
10 MR. FRANKLIN: Vague and ambiguous. 13:50  
11 THE WITNESS: I recall them standing in 13:50  
12 front of me, and the way to leave would be to go, 13:50  
13 you know, to get close to them. And I do recall 13:50  
14 attempting to call the police but not having cell 13:50  
15 phone service. 13:50  
16 BY MS. HEWITT: 13:50  
17 Q Okay. In your complaint you say that 13:50  
18 Johnston poured beer on your arm. Is that separate 13:50  
19 from what you told me earlier where that he sprayed 13:50  
20 your arm and your camera with beer? 13:50  
21 A No, that's the same. 13:50  
22 Q Same thing? 13:50  
23 A Hmm-mm. 13:50  
24 Q So he didn't separately pour beer on your 13:50  
25 arm as opposed to spraying your arm and your camera? 13:50

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1 filming me with his camera. 13:52

2 Q Okay. Okay. At any point, did you walk 13:52

3 away when they were making the, I think you said, 13:52

4 sexual references to you; were you able to walk away 13:52

5 at that point and exit the fort? 13:52

6 MR. FRANKLIN: Vague and ambiguous. 13:52

7 THE WITNESS: I was not able to exit the 13:52

8 fort, I was frozen in fear. 13:52

9 BY MS. HEWITT: 13:52

10 Q All right. At some point, were you able 13:52

11 to leave the fort? 13:53

12 A I was able to leave the fort at some 13:53

13 point, yes. 13:53

14 Q Can you tell me what the sexual comments 13:53

15 were that were made to you that you referenced 13:53

16 earlier? 13:53

17 A I don't remember all of them. 13:53

18 Q I understand. 13:53

19 A I do remember asking, you know, why I was 13:53

20 being filmed and, you know, being told that they're 13:53

21 filming me because I'm sexy. I remember 13:53

22 Mr. Johnston saying that he's big enough to get the 13:53

23 job done while, you know, also, you know, he was 13:53

24 also grunting and making -- making moans and noises 13:53

25 resembling, you know, an orgasm. He was, you know, 13:54

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1 thrusting and rubbing his torso in a sexual manner, 13:54  
2 just acting in a very -- very frightening way. 13:54  
3 Q Was there anybody else in the fort or fort 13:54  
4 area during this time who wasn't part of the group 13:54  
5 of men? 13:54  
6 A What do you mean by the group of men? 13:54  
7 Q Were there any women down there as well? 13:54  
8 A Yes, there was a woman down there. 13:54  
9 Q Who was that? 13:54  
10 A Woman named Jen. 13:54  
11 Q Was she a friend of yours? 13:54  
12 A No. 13:54  
13 Q Did you just meet her that day? 13:54  
14 A Yes, sir. 13:54  
15 Q How did you meet Jen that day? 13:54  
16 A Jen walked into the fort when we were 13:54  
17 there. 13:54  
18 Q Did she walk into the fort while the men 13:54  
19 were talking to you? 13:54  
20 A Which men? 13:54  
21 Q Any of the men. 13:54  
22 A Which men specifically? I don't know, I 13:54  
23 was approached by many men. 13:54  
24 Q Okay. Did you -- did Jen walk into the 13:54  
25 fort prior to you being approached by the 13:55

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1	A	I was too scared to do anything.	13:57
2	Q	Okay. At some point did you get in touch	13:57
3		with any police that were at the beach or the bluff	13:57
4		in order to get a police escort down to the beach?	13:57
5	MR. FRANKLIN:	Lacks foundation.	13:57
6	THE WITNESS:	At what point? I'm having	13:57
7		trouble understanding the question.	13:57
8	BY MS. HEWITT:		13:57
9	Q	At any time, on February 13th, did you	13:57
10		talk to the police at all that day about assisting	13:57
11		you with regard to any harassment at Lunada Bay?	13:57
12	MR. FRANKLIN:	Vague and ambiguous.	13:57
13	THE WITNESS:	Can you be more specific	13:57
14		please?	13:57
15	BY MS. HEWITT:		13:57
16	Q	Did you talk to the police at all that	13:57
17		day?	13:57
18	MR. FRANKLIN:	Vague and ambiguous.	13:57
19	THE WITNESS:	I spoke to the police on	13:57
20		February 13th, yes.	13:57
21	BY MS. HEWITT:		13:57
22	Q	So when did you speak to them?	13:57
23	A	I, you know, after I made it up the trail,	13:57
24		I saw a police car parked on the bluff and I	13:58
25		approached them immediately, I was in tears, and I	13:58

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1 told them what had happened down there. 13:58

2 Q Okay. And what did the police officer do? 13:58

3 A He -- he listened to what I had to say 13:58

4 and, you know, I don't remember the exact sequence 13:58

5 of events. I know he eventually took a report. I 13:58

6 don't know if he took the report or if someone else 13:58

7 took a report but I know a report was taken, and I 13:58

8 know that at one point a police officer escorted me 13:58

9 back down the trail to try and see if those 13:58

10 individuals were still down there and try to 13:58

11 identify them. 13:58

12 Q Do you remember how many police officers 13:58

13 there were? 13:58

14 A I don't, no. 13:58

15 Q Do you remember at some point there being 13:59

16 three or four? 13:59

17 A I don't remember the amount. 13:59

18 Q All right. Did you ask the police officer 13:59

19 to do anything specific? 13:59

20 A What I remember is I remember telling them 13:59

21 what happened and I remember filing the report and I 13:59

22 remember going down there to try and identify the 13:59

23 individual. 13:59

24 Q And were you able to -- I'm sorry I 13:59

25 interrupted you? 13:59

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1	A	No, no problem.	13:59
2		He wasn't down there when we went down	13:59
3		there; all we found was a broken board that	13:59
4		resembled the board that I had seen him use.	13:59
5	Q	Did you go back down to the fort?	13:59
6	A	I went back down there with the police.	13:59
7	Q	Were there people in the fort still?	13:59
8	A	There were some people in the fort,	13:59
9		Charlie was down there as well.	13:59
10	Q	How do you know that was Charlie?	13:59
11	A	Because the police said, "Hi, Charlie" and	13:59
12		apparently the police said that he knew him.	14:00
13	Q	Okay.	14:00
14		MS. HEWITT: What time is it? Where are	14:00
15		we at? Are we at 3:30?	14:00
16		MR. FRANKLIN: I have 3:31, but --	14:00
17		THE VIDEOGRAPHER: Yes, that's probably	14:00
18		it.	14:00
19		MS. HEWITT: We're concluding.	14:00
20		THE VIDEOGRAPHER: Okay. This concludes	14:00
21		Volume 1 deposition of Ms. Diana Milena Reed, we are	14:00
22		off the record at 2:00 o'clock.	14:00
23		(Whereupon the deposition was concluded at	
24		2:00 p.m.)	

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I, DIANA MILENA REED, do solemnly declare under penalty of perjury that the foregoing is my deposition under oath; that these are the questions asked of me and my answers thereto; that I have read same and have made the necessary corrections, additions, or changes to my answers that I deem necessary.

It witness thereof, I hereby subscribe my name this day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
WITNESS SIGNATURE

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Certification of Court Reporter

Federal Jurat

I, the undersigned, a Certified Shorthand  
Reporter of the State of California do hereby  
certify:

That the foregoing proceedings were taken  
before me at the time and place herein set forth;  
that any witnesses in the foregoing proceedings,  
prior to testifying, were placed under oath; that a  
verbatim record of the proceedings was made by me  
using machine shorthand which was thereafter  
transcribed under my direction; further, that the  
foregoing is an accurate transcription thereof.

That before completion of the deposition, a  
review of the transcript [x] was [ ] was not  
requested. I further certify that I am neither  
financially interested in the action nor a relative  
or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date  
subscribed my name.

Dated: November 3, 2016



Jimmy Rodriguez, RPR

Certificate Number 13464